

REMARKS

This Amendment, submitted in response to the Office Action dated July 30, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-22 are pending in the present application. Claims 9-12, 14 and 17 have been allowed. Claims 3, 5-8, 21 and 22 have been objected to, but would be allowed if rewritten in independent form. Claims 19 and 20 have been rejected under 35 U.S.C. § 112, fourth paragraph for failing to include a further limitation from the claims on which they depend. Claims 1, 2, 15, 16 and 18 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yukawa. Claims 13 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi. Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yukawa in view of Takahashi. Applicant submits the following in traversal of the rejections.

I. Preliminary Matter

Applicant respectfully requests that the Examiner approve the drawings filed December 8, 2000.

II. Rejection of claims 19 and 20 under 35 U.S.C. § 112, fourth paragraph

The Examiner asserts that claims 19 and 20 do not include a further limitation from the claims of which they depend. Claims 19 and 20, which pertain to an apparatus for reading out an image, depend on claims 13 and 14 which pertain to a platen cover. Since claims 19 and 20 describe an apparatus for reading out an image which is not described in claims 13 and 14, claims 19 and 20 further limit claims 13 and 14. However, in order to expedite prosecution for

the present application, Applicant has amended claims 19 and 20 and has added claim 26, as indicated above. Consequently, Applicant respectfully requests that the Examiner withdraw the rejection of claims 19 and 20 under § 112, fourth paragraph.

III. Rejection of claims 1, 2, 15, 16 and 18 and 20 under § 102(b) as being anticipated by Yukawa

Claim 1

Claim 1 recites that “the region corresponding to the image storage sheet is recognized by judging that a pixel in the read-out image, which pixel represents a color different from the color of the image storage sheet pushing surface of the platen cover, is a pixel falling within the region corresponding to the image storage sheet.”

The Examiner asserts that col. 4, lines 30-31 of Yukawa describes this aspect of claim 1. The respective column and lines cited the Examiner describe that an enhancement of painting, printing a letter, mark or pattern on the side of an original platen cover facing a transparent plate is an adaptation of an automatic size detection means for the size of the original. However, it is unclear how the adaptation of an automatic detection means teaches judging whether a pixel falls within a region corresponding to an image storage sheet. On the contrary, in Yukawa, the detection of an image storage sheet from the surface of a platen cover is based upon a reflection factor and shadow rather than examination of a pixel of a read-out image. More particularly, in Yukawa, a fluorescent color with a high reflection factor is selected for the surface of a platen cover. Col. 3, lines 35-39. Since the potential of a yellow fluorescent sheet is lower than the

potential of for example, white paper, the letter, mark or pattern will not form an image on the recording paper. Col. 3, lines 59-66; col. 4, lines 1-5.

For the above reasons, claim 1 and its dependent claims should be deemed patentable.

Claim 2

The Examiner asserts that Yukawa teaches that the image storage sheet is a color photoprint, as recited in claim 2. However, the Examiner did not indicate where this is taught in the reference. Moreover, upon reviewing Yukawa, there is no indication that an image storage sheet is a photoprint. For at least these reasons, claim 2 should be deemed patentable.

Claim 15

Claim 15 recites that the platen cover comprises an image storage sheet pushing surface having “a periodical pattern, which is composed of a plurality of different color areas arrayed in a predetermined order and in abutment with one another.”

The Examiner asserts that since there is a pattern in Yukawa, the colors abut one another. Further, the Examiner states that the colors are arranged in a predetermined order because they constitute a pattern. The Examiner’s analysis does not appear reasonable. In particular, merely because Yukawa teaches a pattern, does not mean that Yukawa teaches a pattern composed of a plurality of different color areas arrayed in a predetermined order or that the colors abut one another. On the contrary, Yukawa appears to teach that only one color, such as yellow, is desired at a given time. See col. 3, lines 52-58. Therefore, a plurality of colors are not arrayed in a predetermined order nor do a plurality of colors abut one another.

For the above reasons, claim 15 should be deemed patentable. Since claims 18 and 20 recite similar elements, they should be deemed patentable for the same reasons.

Claim 16

Claim 16 recites “**a sheet** for a platen cover, wherein one of the opposite surfaces of the sheet has a color other than colors which are ordinarily contained in image storage sheets containing color images.”

The Examiner asserts that Yukawa teaches the aspects of claim 16. In Yukawa, it appears that a platen cover directly includes a mark or pattern since the marks or patterns are coated, printed or otherwise affixed onto the side of the platen cover facing the transparent plate. Col. 3, lines 32-36. However, a sheet for a platen cover does not appear to be taught in Yukawa.

For at least the above reason, claim 16 should be deemed patentable.

**IV. Rejection of claims 13 and 19 under § 102(b) as being anticipated by
Takahashi**

Claim 13 recites “a platen cover comprising an image storage sheet pushing surface having a color other than colors which are ordinarily contained in image storage sheet containing color images.”

The Examiner asserts that Takahashi back platen 2 teaches a sheet pushing surface having a red, green and blue color other than ordinarily contained in the image storage sheets containing color images.

In Takahashi, red, green and blue dot patterns are arranged on a back platen of a platen cover. A comparison is made between read original information and references signals R, G, and B to detect a color difference between the color picture information and each of the three primary colors. See Takahashi abstract. However, as indicated on page 5 of the specification for the present invention, when using a dot pattern to detect a region corresponding to an image storage sheet, colors of pixels located between adjacent dots cannot be discriminated. This leads to the problem that errors will occur in recognition when a peripheral edge area of the image storage sheet is detected or when a slight space between adjacent image storage sheets is detected. Consequently, Takahashi does not resolve the problems that an exemplary embodiment of the present invention is meant to cure.

Moreover, red, green and blue are colors which are often contained in image storage sheets containing color images.

For the above reasons, claim 13 and dependent claim 19 should be deemed patentable.

V. Rejection of claim 4 under § 103(a) as being unpatentable over Yukawa in view of Takahashi

The Examiner asserts that the combination of Yukawa and Takahashi teaches the elements of claim 4. However, since claim 4 recites elements similar to claim 1, claim 4 should be deemed patentable for the same reasons indicated above. Takahashi does not address the deficiencies of Yukawa.

AMENDMENT UNDER 37 C.F.R. § 1.111
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VI. New Claims

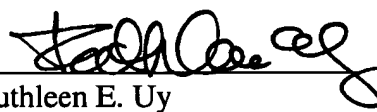
Applicant has added claims 23-26 to provide a more varied scope of protection. The claims should be deemed patentable by virtue of their dependency to independent claims for the reasons set forth above.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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